

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ABIGALE KNOWLTON, et al.,

Plaintiffs,

vs.

**No. CIV 88-0385 KG/CG
Consolidated with
No. CIV-88-0786 KG/CG**

**KARI ARMIJO, Secretary of the
New Mexico Human Services Department,**

Defendant.

**STIPULATED ORDER ADDRESSING ISSUES
RAISED IN PLAINTIFFS' MOTION TO ENFORCE THE DECREE**

Plaintiffs' motion to enforce the Consent Decree is pending before the Court (Doc. 1103). The hearing on this motion, originally scheduled for November 16, 2023, was postponed by the Court until December 14, 2023, to allow the parties an opportunity to reach agreement on appropriate remedies for that motion. Plaintiffs, Defendant, the Special Master and the Compliance Specialist met on November 16, 2023, for this purpose and reached agreement on the terms set forth herein to resolve the issues raised in the motion. The Court has reviewed these terms, finds them necessary to address the matters raised in Plaintiffs' pending motion, and hereby **ORDERS** that they be implemented in accordance with the terms and schedule set forth as follows in this Order:

- 1) Within 45 working days of the entry of this Order HSD shall register the backlog of unregistered applications and thereafter shall register all applications received within one business day. This will be achieved in part through automation of application registration for online applications received.

- 2) Within 60 working days of the entry of this Order HSD shall reduce the number of overdue cases for expedited SNAP to be less than 10 percent of the total number of expedite eligible cases received by HSD each month.
- 3) Within 90 working days of the entry of this Order HSD shall:
 - a) Reduce the number of overdue unprocessed SNAP applications to less than 10 percent of applications received by HSD each month.
 - b) Reduce the number of overdue unprocessed SNAP renewals to less than 10 percent of the total number of renewal forms received each month.
- 4) Within 120 working days of the entry of this Order HSD shall
 - a) reduce the number of overdue unprocessed Medicaid applications to less than 10 percent of the total number of applications received each month.
 - b) Reduce the rate of unanswered calls to 10 percent or less for both the ISD and Accenture call centers.
- 5) Within 14 working days of the entry of this Order, if HSD has not done so already, HSD shall seek federal approval for processes that shall increase staff and phone capacity, including but not limited to:
 - a) Maintaining the extension of time for return of Medicaid renewal forms as long as possible;
 - b) Automatically extend Medicaid for all children into 2024 so that they are continuously eligible for six years pursuant to HSD's new Section 1115 waiver, approved by CMS. This request to CMS will also seek approval to reinstate coverage for children who qualify under this provision since April 2023;
 - c) Extending the certification period of SNAP participants so that a renewal is not required. This includes seeking approval to extend certification periods for

segments of the SNAP caseload, such as participants who are elderly or disabled.

- d) Permission to postpone interviews for delayed cases where people are screened as eligible for Expedited SNAP.

6) HSD shall immediately:

- a) Work cases to an eligibility decision whenever a client reaches out for assistance by phone, determine the staffing necessary to perform this service whenever contacted in person, and implement within 120 days a procedure to work a case to an eligibility decision whenever contacted by a client in person;
- b) Internally review and seek assistance from out-of-state experts on actions HSD can take to increase New Mexico's rate of *ex parte* Medicaid renewals; and
- c) Investigate the earliest possible implementation of the plan to approve Interim Reports where no changes are reported, including a process of approving through batch reports until ASPEN IT changes are made.

Within 14 working days from entry of this Order, HSD shall report to Plaintiffs and the Special Master the efforts it has made to investigate and actions taken to implement the process changes described in subparagraphs (b) and (c) of this paragraph.

- 7) Within 30 days of the entry of this Order, HSD shall determine the feasibility of providing an addressed return envelope with postage along with all SNAP and Medicaid renewal forms and implement if feasible.
- 8) If HSD chooses, it may temporarily close office lobbies on Wednesdays for a period of one month beginning January 2, 2024. HSD shall ensure that staff members shall be available on Wednesdays in each office whose lobby is closed during regular business hours to provide over the counter EBT cards, access to a drop box and assistance for

individuals who qualify for Expedited SNAP. If HSD chooses to close office lobbies it will properly inform the Food and Nutrition Service, if necessary.

9) HSD shall continue to implement and investigate strategies to reduce the current vacancy rate for merit staff and by January 15, 2024, and shall report to Plaintiffs and the Special Master on the hiring of temporary merit staff with options for their placement into permanent positions, and taking such other actions that will address its 200 case worker vacancies.

10) HSD shall provide to the Special Master and Plaintiffs' Counsel:


a) weekly reports documenting the following beginning two weeks after the entry of this Order until 180 days after entry of this Order providing Defendant is compliant with the terms of this Order:

- i) Overdue cases by month submitted to HSD for the following categories:
- ii) Unregistered applications (online and paper, SNAP and Medicaid);
- iii) Overdue applications screened but not fully determined as qualifying for expedited SNAP;
- iv) Overdue applications for SNAP;
- v) Overdue applications for Medicaid;
- vi) Overdue SNAP renewals;
- vii) The number of SNAP cases processed per day;
- viii) The number of Medicaid cases processed per day;
- ix) Current staffing levels for ISD, contractors and call centers;
- x) The dropped/abandoned call rate for the ISD and Accenture call center
- xi) Any updates on federal approval of mitigation strategies; and
- xii) Any outages or IT problems that prevent customers from accessing help

by phone, completing an application, or submitting documents online.

- b) During the pendency of this Order, in lieu of the quarterly reporting provided in the Decree, all active eligibility and enrollment corrective action plans with and program evaluations from CMS and/or FNS within 2 weeks of the entry of this Order and provide updates biweekly thereafter; and
 - c) A report documenting the completion of each action required by this Order within a week of its completion.
11. The parties shall meet monthly by zoom to discuss the data and reports provided by HSD and the current status of this Order's implementation.
12. If, after 180 days from entry of this Order, HSD has met all the requirements of paragraphs 1-4 of this Order and is otherwise in substantial compliance with the provisions of this Order, this Order shall be terminated and the Plaintiffs' motion shall be dismissed.

It is so ORDERED.


The Honorable Kenneth Gonzales
United States District Judge

AGREED:

/s/ Sovereign Hager

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